

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO. 3:07CR192

DAVID ZACHARY SCRUGGS

MOTION FOR EXTENSION OF TIME

Comes now the United States of America, by and through the United States Attorney for the Northern District of Mississippi, and respectfully moves the Court for a thirty-day extension of time, within which to respond to the petitioner's 28 U.S.C. § 2255 Petition. In support whereof the government would respectfully show unto the Court the following facts, to-wit:

David Zachary Scruggs has filed a 28 U.S.C. § 2255 motion to vacate his plea of guilty, and the Court has ordered the government to respond by October 16, 2010. Because the petitioner attempts to invoke the United States Supreme Court's recent Skilling opinion and because the Department of Justice has promulgated guidelines to federal prosecutors regarding Skilling responses, the undersigned prosecutor has submitted to the Department of Justice an outline of the government's proposed response, and is awaiting approval from the Appellate Section, United States Department of Justice. This procedure is deemed necessary if the Department's responses are to be uniform and consistent nationwide.

Accordingly, it is respectfully requested that the Court authorize a thirty-day extension of time within which to file the government's response.

Respectfully submitted,

WILLIAM C. MARTIN
Acting United States Attorney

/s/ Robert H. Norman

By:

ROBERT H. NORMAN
Assistant United States Attorney
Mississippi Bar No. 3880

CERTIFICATE OF SERVICE

I, ROBERT H. NORMAN, Assistant United States Attorney, hereby certify that I electronically filed the foregoing **GOVERNMENT'S MOTION FOR EXTENSION OF TIME** with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Honorable Edward D. Robertson, Jr.
Bartimus Frickleton Robertson & Gorny, P.C.

www.bflawfirm.com

This the 15th day of October, 2010.

/s/ Robert H. Norman
ROBERT H. NORMAN
Assistant United States Attorney